

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEVEN AUSTIN,

Petitioner,

v.

SUPERINTENDENT KERESTES, et al.,

Defendants

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CIVIL ACTION NO. 13-3436

ORDER

AND NOW, this 15th day of October, 2013, after careful and independent review of the Report and Recommendation of United States Magistrate Judge M. Faith Angell, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Petitioner's Motion Requesting the District Court Hold in Abeyance or Suspend Timely Filed Habeas Petition (Doc. 2) is **GRANTED**;
3. The Petition for Writ of Habeas Corpus is placed in suspense until the conclusion of the state post-conviction proceedings;
4. Petitioner shall return to federal court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within that time, this stay and abeyance order will be vacated, and his petition will be dismissed without prejudice; and
5. There is no probable cause to issue a certificate of appealability.

BY THE COURT:



Hon. Petrese B. Tucker, C.J.